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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,491	06/25/2003	Chang-Hyun Shin	11037-119-999	4977

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EXAMINER

ALI, HYDER

ART UNIT PAPER NUMBER

3747

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,491	Applicant(s) SHIN, CHANG-HYUN	
	Examiner HYDER ALI	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai et al (JP 11-82095).

As to Claim 1, Kawai et al discloses an apparatus for inducting air for an engine, comprising: a throttle body having a main passage formed there through, a throttle valve 42 mounted in the main passage, and a bypass passage 48 bypassing the throttle valve; and a surge tank 30 connected to the throttle body to receive intake air from the throttle body, wherein the bypass passage 48 extends to the surge tank 30, and the surge tank defines a chamber 82,84 connected to the bypass passage 48.

As to Claim 2, Kawai et al discloses an outlet passage is formed from the chamber to the main passage, the outlet passage being inclined toward main passage with predetermined angle.

As to Claim 3, Kawai et al discloses the chamber 82,84, having dimensions capable of temporarily storing of the intake air from the bypass passage, is formed on the periphery of the main passage with predetermined range.

As to Claim 4, Kawai et al discloses the chamber 82,84, having dimensions capable of temporary storing of the intake air from the bypass passage, is formed on the periphery of the main passage with predetermined range.

As to Claim 5, Kawai et al discloses the bypass passage 48 extends in the direction of the surge tank in parallel with the main passage.

As to Claim 6, Kawai et al discloses the bypass passage 48 extends in the direction of the surge tank in parallel with the main passage.

As to Claim 7, Kawai et al discloses the bypass passage 48 extends in the direction of the surrg tank in parallel with to the main passage.

As to Claim 8, Kawai et al discloses an apparatus comprising: a throttle body defining a main passage and a bypass passage 48 having an inlet in the main passage; a throttle valve 42 disposed in said main passage downstream of the bypass inlet; a surge tank 30 positioned downstream of the throttle valve and defining a continuation of the main passage to receive airflow there through, said surge tank further defining a bypass passage 82,84 communicating with said throttle body bypass passage 48, and an outlet from said bypass passage 82,84 into the surge tank main passage.

As to Claim 9, Kawai et al discloses said bypass passage 82,84 outlet in said surge tank is oriented at an angle with respect to airflow in the main passage to reduce noise resulting from simultaneous flow through said passages.

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As to Claim 10, Kawai et al discloses said bypass passage 82,84 in the surge tank 30 defines an enlarged chamber to store bypass air for supply to the main passage upon opening of the bypass passage.

As to Claim 11, Kawai et al discloses opening and closing of the bypass passage is controlled by a solenoid valve 50.

As to Claim 12, Kawai et al discloses an apparatus, comprising: a throttle body defining a main passage and a bypass passage 48 having an inlet in the main passage; a throttle valve 42 disposed in said main passage for opening and closing same; a surge tank 30 positioned downstream of the throttle valve 42 and defining (i) a continuation of the main passage to receive airflow there through, (ii) a bypass 82,84 passage communicating with said throttle body bypass passage 48, said surge tank bypass passage 82,84 including an enlarged chamber, and (iii) an outlet from said bypass passage 82,84 into the surge tank main passage, said outlet being oriented to direct bypass flow in a direction gradually confluent with main passage flow.

As to Claim 13, Kawai et al discloses said enlarged chamber 82,84 is of sufficient volume to store bypass air for supply to the main passage upon opening of the bypass valve, thereby stabilizing operation of an engine receiving intake air therefrom.

As to Claim 14, Kawai et al discloses the bypass valve is a solenoid valve 50.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references by Hwang et al (US 6,360,708), Hwang et al

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(6,634,334), Kaji et al (4,922,879), and Igarashi et al (5,564,387) all discloses bypass passage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (703) 308-3949. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY YUEN can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hyder Ali

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